

SENATE RESOLUTION 419—ACKNOWLEDGING AND COMMEMORATING THE WORLD WAR II WOMEN IN THE NAVY WHO SERVED IN THE WOMEN ACCEPTED FOR VOLUNTEER EMERGENCY SERVICE (“WAVES”)

Ms. WARREN (for herself, Mrs. BLACKBURN, Mr. VAN HOLLEN, Mr. OSSOFF, Mr. WYDEN, Mr. DURBIN, Mr. SULLIVAN, Mr. CRUZ, Mr. BRAUN, Mr. SCOTT of South Carolina, Mr. TILLIS, Mr. WICKER, and Mr. MORAN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 419

Whereas, despite social stigmas and public opinion averse to women in uniform, women applied for military service in such numbers that enrollment ceilings were reached within the first several years;

Whereas, President Franklin D. Roosevelt established the Women Accepted for Volunteer Emergency Service (referred to in this preamble as “WAVES”) on July 30, 1942, when he signed the Navy Women’s Reserve Act (Public Law 77-538; 56 Stat. 730) into law;

Whereas, while women had served in the enlisted ranks of the Navy in a variety of positions during World War I, legislation passed after World War I limited women to service as nurses until the creation of the WAVES;

Whereas, during World War II, women in the United States were recruited into the Armed Forces to perform military assignments so that men could be freed for combat duties;

Whereas, under the direction of Lieutenant Commander (later Captain) Mildred Helen McAfee, the WAVES peaked in 1945 at nearly 83,000 officers and enlisted personnel, or approximately 2.5 percent of the wartime strength of the Navy and was composed of women from urban and rural communities across many socioeconomic backgrounds;

Whereas, the Secretary of the Navy’s Annual Report Fiscal Year 1945 stated that there were 8,475 officers and 74,497 enlisted WAVES serving in the spring of 1945;

Whereas the WAVES worked at large and small naval commands from Florida to Washington and from California to Rhode Island, as well as overseas;

Whereas the WAVES numerous and diverse contributions ranged from yeoman, chauffeur, and baker to pharmacist, artist, aircraft mechanic, and dental hygienist;

Whereas during World War II, WAVES served as training instructors throughout the country for newly recruited WAVES as well as thousands of aspiring male naval aviators, gunners, and navigators destined for combat units;

Whereas the WAVES who served in naval aviation taught instrument flying, aircraft recognition, celestial navigation, aircraft gunnery, radio, radar, air combat information, and air fighter administration but were not allowed to be pilots;

Whereas the WAVES served the Navy in such numbers that, according to a Navy estimate, enough men were freed for combat duty to crew the ships of 4 major task forces, each including a battleship, 2 large aircraft carriers, 2 heavy cruisers, 4 light cruisers, and 15 destroyers;

Whereas, at the end of World War II, Secretary of the Navy James Forrestal stated that members of the WAVES “have exceeded performance of men in certain types of work, and the Navy Department considers it to be very desirable that these important services rendered by women during the war should

likewise be available in postwar years ahead”;

Whereas, by the end of World War II, more than 400,000 women had served the United States in military capacities, with every Navy aviator who entered combat having received some part of his training from a WAVE;

Whereas the WAVES, despite their merit and the recognized value and importance of their contributions to the war effort, were not given status equal to their male counterparts, and struggled for years to receive the appreciation of Congress and the people of the United States;

Whereas the WAVES helped to catalyze the social, demographic, and economic evolutions that occurred in the 1960s and 1970s and continue to this day; and

Whereas the pioneering women who served in the WAVES are owed a great debt of gratitude for their service to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors the women who served the United States in the Navy Women Accepted for Voluntary Emergency Service (“WAVES”) during World War II;

(2) commends the WAVES who, through a sense of duty and willingness to defy stereotypes and social pressures, performed military assignments to aid the war effort, with the result that men were freed for combat duties; and

(3) recognizes that the WAVES, by serving with diligence and merit, not only opened up opportunities for women that had previously been reserved for men, but also contributed vitally to the victory of the United States and the Allies in World War II.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3847. Mr. SCHUMER proposed an amendment to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.

SA 3848. Mr. SCHUMER proposed an amendment to amendment SA 3847 proposed by Mr. SCHUMER to the bill S. 1301, supra.

SA 3849. Mr. SCHUMER proposed an amendment to the bill S. 1301, supra.

SA 3850. Mr. SCHUMER proposed an amendment to amendment SA 3849 proposed by Mr. SCHUMER to the bill S. 1301, supra.

SA 3851. Mr. SCHUMER proposed an amendment to amendment SA 3850 proposed by Mr. SCHUMER to the amendment SA 3849 proposed by Mr. SCHUMER to the bill S. 1301, supra.

SA 3852. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3853. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3854. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3855. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3856. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3857. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3858. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3859. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2792, supra; which was ordered to lie on the table.

SA 3860. Mr. TESTER proposed an amendment to the bill S. 796, to codify maternity care coordination programs at the Department of Veterans Affairs, and for other purposes.

TEXT OF AMENDMENTS

SA 3847. Mr. SCHUMER proposed an amendment to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. INCREASE OF PUBLIC DEBT LIMIT.

The limitation under section 3101(b) of title 31, United States Code, as most recently increased by section 301 of the Bipartisan Budget Act of 2019 (31 U.S.C. 3101 note), is increased by \$480,000,000,000.

SA 3848. Mr. SCHUMER proposed an amendment to amendment SA 3847 proposed by Mr. SCHUMER to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

At the appropriate place, insert the following:

SEC. 2. EFFECTIVE DATE.

This Act shall take effect 2 days after the date of enactment of this Act.

SA 3849. Mr. SCHUMER proposed an amendment to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

At the appropriate place, insert the following:

SEC. 2. EFFECTIVE DATE.

This Act shall take effect 3 days after the date of enactment of this Act.

SA 3850. Mr. SCHUMER proposed an amendment to amendment SA 3849 proposed by Mr. SCHUMER to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

On page 1, line 3, strike “3 days” and insert “4 days”.

SA 3851. Mr. SCHUMER proposed an amendment to amendment SA 3850 proposed by Mr. SCHUMER to the amendment SA 3849 proposed by Mr. SCHUMER to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

On page 1, lines 1 and 2, strike “4 days” and insert “1 day”.

SA 3852. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. AUTHORIZATION OF APPROPRIATIONS FOR THE USMMA.

There are authorized to be appropriated for the period of fiscal years 2022 through 2030, \$611,026,400 to the Department of Transportation for infrastructure replacement and improvement projects at the United States Merchant Marine Academy.

SA 3853. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7 _____. INDEPENDENT ANALYSIS OF DEPARTMENT OF DEFENSE COMPREHENSIVE AUTISM CARE DEMONSTRATION PROGRAM.

(a) AGREEMENT.—

(1) **IN GENERAL.**—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (in this section referred to as the “National Academies”) for the National Academies to carry out the activities described in subsections (b) and (c).

(2) **TIMING.**—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) ANALYSIS BY THE NATIONAL ACADEMIES.—

(1) **ANALYSIS.**—Under an agreement between the Secretary and the National Academies entered into under subsection (a), the National Academies shall conduct an analysis of the effectiveness of the Department of Defense Comprehensive Autism Care Demonstration program (in this section referred to as the “demonstration program”) and develop recommendations for the Secretary based on such analysis.

(2) **ELEMENTS.**—The analysis conducted and recommendations developed under paragraph (1) shall include the following:

(A) An assessment of the Pervasive Developmental Disabilities Behavior Inventory as a measure to assist in the assessment of domains related to autism spectrum disorder, and a determination as to whether the Secretary is applying such inventory appropriately under the demonstration program.

(B) An assessment of the methods used under the demonstration program to measure the effectiveness of applied behavior analysis in the treatment of autism spectrum disorder.

(C) A review of any guidelines or industry standards of care adhered to in the provision

of applied behavior analysis services under the demonstration program, including a review of the effects of such adherence with respect to dose-response or expected health outcomes for an individual who has received such services.

(D) A review of the expected health outcomes for an individual who has received applied behavior analysis treatments over time.

(E) An analysis of the increased utilization of the demonstration program by beneficiaries under the TRICARE program, to improve understanding of such utilization.

(F) Such other analyses to measure the effectiveness of the demonstration program as may be determined appropriate by the National Academies.

(G) An analysis on whether the incidence of autism is higher among the children of military families.

(H) The development of a list of findings and recommendations related to the measurement, effectiveness, and increased understanding of the demonstration program and its effect on beneficiaries under the TRICARE program.

(c) **REPORT.**—Under an agreement between the Secretary and the National Academies entered into under subsection (a), the National Academies, not later than 270 days after the date of the execution of the agreement, shall—

(1) submit to the congressional defense committees a report on the findings of the National Academies with respect to the analysis conducted and recommendations developed under subsection (b); and

(2) make such report available on a public website in unclassified form.

(d) **TRICARE PROGRAM DEFINED.**—In this section, the term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 3854. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 332. STANDARDS FOR RESPONSE ACTIONS WITH RESPECT TO PFAS CONTAMINATION.

(a) **IN GENERAL.**—In conducting response actions to address PFAS contamination from Department of Defense or National Guard activities, the Secretary of Defense shall conduct such actions to achieve a level of PFAS in the environmental media that meets or exceeds the most stringent of the following standards for PFAS in any environmental media:

(1) The applicable State standard, in effect in that State, as described in section 121(d)(2)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(ii)).

(2) The applicable Federal standard as described in section 121(d)(2)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(i)).

(3) A health advisory under section 1412(b)(1)(F) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(1)(F)).

(b) **DEFINITIONS.**—In this section:

(1) **PFAS.**—The term “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance

with at least one fully fluorinated carbon atom.

(2) **RESPONSE ACTION.**—The term “response action” means an action taken pursuant to section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604).

(c) **SAVINGS CLAUSE.**—Except with respect to the specific level required to be met under subsection (a), nothing in this section affects the application of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SA 3855. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. _____. AUTHORITY OF MILITARY JUDGES AND MILITARY MAGISTRATES TO ISSUE MILITARY COURT PROTECTIVE ORDERS.

(a) **JUDGE-ISSUED MILITARY COURT PROTECTIVE ORDERS.**—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1567b. Authority of military judges and military magistrates to issue military court protective orders

“(a) **AUTHORITY TO ISSUE MILITARY COURT PROTECTIVE ORDERS.**—The President shall prescribe regulations authorizing military judges and military magistrates to issue protective orders in accordance with this section. A protective order issued in accordance with this section shall be known as a ‘military court protective order’. Under the regulations prescribed by the President, military judges and military magistrates shall have exclusive jurisdiction over the issuance, appeal, renewal, and termination of military court protective orders and such orders may not be issued, appealed, renewed, or terminated by State, local, territorial, or tribal courts.

“(b) **ENFORCEMENT BY CIVILIAN AUTHORITIES.**—

“(1) **IN GENERAL.**—In prescribing regulations for military court protective orders, the President shall seek to ensure that the protective orders are issued in a form and manner that is enforceable by State, local, territorial, and tribal civilian law enforcement authorities.

“(2) **FULL FAITH AND CREDIT.**—Any military court protective order shall be accorded full faith and credit by the court of a State, local, territorial, or tribal jurisdiction (the enforcing jurisdiction) and enforced by the court and law enforcement personnel of that jurisdiction as if it were the order of the enforcing jurisdiction.

“(3) **RECIPROCITY AGREEMENTS.**—Consistent with paragraphs (1) and (2), the Secretary of Defense shall seek to enter into reciprocity agreements with State, local, territorial, and tribal civilian law enforcement authorities under which—

“(A) such authorities agree to enforce military court protective orders; and

“(B) the Secretary agrees to enforce protective orders issued by such authorities that are consistent with section 2265(b) of title 18.

“(c) **PURPOSE AND FORM OF ISSUANCE.**—A military court protective order—

“(1) may be issued for the purpose of protecting a victim of an alleged covered offense, or a family member or associate of the victim, from a person subject to chapter 47 of this title (the Uniform Code of Military Justice) who is alleged to have committed such an offense; and

“(2) shall include—

“(A) a finding regarding whether such person represents a credible threat to the physical safety of such alleged victim;

“(B) a finding regarding whether the alleged victim is an intimate partner or child of such person; and

“(C) if applicable, terms explicitly prohibiting the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury against such intimate partner or child.

“(d) BURDEN OF PROOF.—In determining whether to issue a military court protective order, a military judge or military magistrate shall make all relevant findings by a preponderance of the evidence. The burden shall be on the party requesting the order to produce sufficient information to satisfy the preponderance of the evidence standard referred to in the preceding sentence.

“(e) TIMING AND MANNER OF ISSUANCE.—A military court protective order may be issued—

“(1) by a military magistrate, before referral of charges and specifications to court-martial for trial, at the request of—

“(A) a victim of an alleged covered offense; or

“(B) a Special Victims' Counsel or other qualified counsel acting on behalf of the victim; or

“(2) by a military judge, after referral of charges and specifications to court-martial for trial, at the request of qualified counsel, which may include a Special Victims' Counsel acting on behalf of the victim or trial counsel acting on behalf of the prosecution.

“(f) DURATION AND RENEWAL OF PROTECTIVE ORDER.—

“(1) DURATION.—A military court protective order shall be issued for an initial period of up to 180 days and may be reissued for one or more additional periods, each of which may be up to 180 days, in accordance with paragraph (2).

“(2) EXPIRATION AND RENEWAL.—Before the expiration of any period during which a military court protective order is in effect, a military judge or military magistrate shall review the order to determine whether the order will terminate at the expiration of such period or be reissued for an additional period of up to 180 days.

“(3) NOTICE TO PROTECTED PERSONS.—If a military judge or military magistrate determines under paragraph (2) that a military court protective order will terminate, the judge or magistrate concerned shall direct that each person protected by the order be provided with reasonable, timely, and accurate notification of the termination.

“(g) REVIEW OF MAGISTRATE-ISSUED ORDERS.—

“(1) REVIEW.—A military judge, at the request of the person subject to a military court protective order that was issued by a military magistrate, may review the order to determine if the order was properly issued by the magistrate.

“(2) STANDARDS OF REVIEW.—A military judge who reviews an order under paragraph (1) shall terminate the order if the judge determines that—

“(A) the military magistrate's decision to issue the order was an abuse of discretion, and there is not sufficient information presented to the military judge to justify the order; or

“(B) information not presented to the military magistrate establishes that the mili-

tary court protective order should be terminated.

“(h) DUE PROCESS.—

“(1) PROTECTION OF DUE PROCESS.—Except as provided in paragraph (2), a protective order authorized under subsection (a) may be issued only after reasonable notice and opportunity to be heard and to present evidence, directly or through counsel, is given to the person against whom the order is sought sufficient to protect that person's right to due process.

“(2) EMERGENCY ORDERS.—A protective order on an emergency basis may be issued on an ex parte basis under such rules and limitations as the President shall prescribe. In the case of ex parte orders, notice and opportunity to be heard and to present evidence must be provided within a reasonable time not to exceed 30 calendar days after the date on which the order is issued, sufficient to protect the respondent's due process rights.

“(i) RIGHTS OF VICTIM.—The victim of an alleged covered offense who seeks a military court protective order has, in addition to any rights provided under section 806b (article 6b), the following rights with respect to any proceeding involving the protective order:

“(1) The right to reasonable, accurate, and timely notice of the proceeding and of any change in the status of the protective order resulting from the proceeding.

“(2) The right to be reasonably heard at the proceeding.

“(3) The right to appear in person, with or without counsel, at the proceeding.

“(4) The right to be represented by qualified counsel in connection with the proceeding, which may include a Special Victims' Counsel.

“(5) The reasonable right to confer with a representative of the command of the accused and counsel representing the government at the proceeding, as applicable.

“(6) The right to submit a written statement, directly or through counsel, for consideration by the military judge or military magistrate presiding over the proceeding.

“(j) RESTRICTIONS ON ACCESS TO FIREARMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law—

“(A) a military court protective order issued on an ex parte basis shall restrain a person from possessing, receiving, or otherwise accessing a firearm; and

“(B) a military court protective order issued after the person to be subject to the order has received notice and opportunity to be heard on the order, shall restrain such person from possessing, receiving, or otherwise accessing a firearm in accordance with section 922 of title 18.

“(2) NOTICE TO ATTORNEYS GENERAL.—

“(A) NOTICE OF ISSUANCE.—Not later than 72 hours after the issuance of an order described in paragraph (1), the Secretary concerned shall submit a record of the order—

“(i) to the Attorney General of the United States; and

“(ii) to the Attorney General of the State or Territory in which the order is issued.

“(B) NOTICE OF RECISSION OR EXPIRATION.—Not later than 72 hours after the recission or expiration of an order described in paragraph (1), the Secretary concerned shall submit notice of such recission or expiration to the Attorneys General specified in subparagraph (A).

“(k) TREATMENT AS LAWFUL ORDER.—A military court protective order shall be treated as a lawful order for purposes of the application of section 892 (article 92) and a violation of such an order shall be punishable under such section (article).

“(l) COMMAND MATTERS.—

“(1) INCLUSION IN PERSONNEL FILE.—Any military court protective order against a member shall be placed and retained in the military personnel file of the member, except that such protective order shall be removed from the military personnel file of the member if the member is acquitted of the offense to which the order pertains, it is determined that the member did not commit the act giving rise to the protective order, or it is determined that the protective order was issued in error.

“(2) NOTICE TO CIVILIAN LAW ENFORCEMENT OF ISSUANCE.—Any military court protective order against a member shall be treated as a military protective order for purposes of section 1567a including for purposes of mandatory notification of issuance to Federal and State civilian law enforcement agencies as required by that section.

“(m) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as prohibiting—

“(1) a commanding officer from issuing or enforcing any otherwise lawful order in the nature of a protective order to or against members of the officer's command;

“(2) pretrial restraint in accordance with Rule for Courts-Martial 304 (as set forth in the Manual for Courts-Martial, 2019 edition, or any successor rule); or

“(3) pretrial confinement in accordance with Rule for Courts-Martial 305 (as set forth in the Manual for Courts-Martial, 2019 edition, or any successor rule).

“(n) DELIVERY TO CERTAIN PERSONS.—A physical and electronic copy of any military court protective order shall be provided, as soon as practicable after issuance, to the following:

“(1) The person or persons protected by the protective order or to the guardian of such a person if such person is under the age of 18 years.

“(2) The person subject to the protective order.

“(3) To such commanding officer in the chain of command of the person subject to the protective order as the President shall prescribe for purposes of this section.

“(o) DEFINITIONS.—In this section:

“(1) CONTACT.—The term ‘contact’ includes contact in person or through a third party, or through gifts,

“(2) COMMUNICATION.—The term ‘communication’ includes communication in person or through a third party, and by telephone or in writing by letter, data fax, or other electronic means.

“(3) COVERED OFFENSE.—The term ‘covered offense’ means the following:

“(A) An alleged offense under section 920, 920a, 920b, 920c, or 920d of this title (article 120, 120a, 120b, 120c, or 120d of the Uniform Code of Military Justice).

“(B) An alleged offense of stalking under section 930 of this title (article 130 of the Uniform Code of Military Justice).

“(C) An alleged offense of domestic violence under section 928b of this title (article 128b of the Uniform Code of Military Justice).

“(D) A conspiracy to commit an offense specified in subparagraphs (A) through (C) as punishable under section 881 of this title (article 81 of the Uniform Code of Military Justice).

“(E) A solicitation to commit an offense specified in subparagraphs (A) through (C) as punishable under section 882 of this title (article 82 of the Uniform Code of Military Justice).

“(F) An attempt to commit an offense specified in subparagraphs (A) through (C) as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice).

“(4) **MILITARY JUDGE AND MILITARY MAGISTRATE.**—The terms ‘military judge’ and ‘military magistrate’ mean a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military judge or magistrate by the Judge Advocate General of the armed force of which the officer is a member.

“(5) **PROTECTIVE ORDER.**—The term ‘protective order’ means an order that—

“(A) restrains a person from harassing, stalking, threatening, or otherwise contacting or communicating with a victim of an alleged covered offense, or a family member or associate of the victim, or engaging in other conduct that would place such other person in reasonable fear of bodily injury to any such other person;

“(B) by its terms, explicitly prohibits—

“(i) the use, attempted use, or threatened use of physical force by the person against a victim of an alleged covered offense, or a family member or associate of the victim, that would reasonably be expected to cause bodily injury;

“(ii) the initiation by the person restrained of any contact or communication with such other person;

“(iii) any other behavior by the person restrained that the court deems necessary to provide for the safety and welfare of the victim of an alleged covered offense, or a family member or associate of the victim; or

“(iv) actions described by any of clauses (i) through (iii).

“(6) **SPECIAL VICTIMS’ COUNSEL.**—The term ‘Special Victims Counsel’ means a Special Victims’ Counsel described in section 1044e and includes a Victims’ Legal Counsel of the Navy.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1567b. Authority of military judges and military magistrates to issue military court protective orders.”

(c) **IMPLEMENTATION.**—The President shall prescribe regulations implementing section 1567b of title 10, United States Code (as added by subsection (a)), by not later than one year after the date of the enactment of this Act.

SA 3856. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. ____ . RANDOMIZING SELECTION OF COURT-MARTIAL PANEL MEMBERS.

(a) **DETAIL OF PANEL MEMBERS.**—Section 825(e)(2) of title 10, United States Code (article 25(e)(2) of the Uniform Code of Military Justice) is amended to read as follows:

“(2) When convening a court-martial, the convening authority shall use a randomized selection process to detail as members thereof such members of the armed forces as are qualified for duty by reason of availability. No member of an armed force is eligible to serve as a member of a general or special court-martial when the member is the ac-

cuser or a witness for the prosecution or has acted as preliminary hearing officer or as counsel in the same case.”

(b) **RANDOMIZED SELECTION PROCESS.**—

(1) **RANDOMIZED SELECTION PROCESS.**—The Secretary of Defense shall promulgate policy and guidance that develops and implements a system for the randomized selection of qualified personnel available to the convening authority for detail to court-martial panels.

(2) **ELEMENTS.**—The randomized selection process developed and implemented under paragraph (1) may include parameter controls that—

(A) allow for exclusions based on scheduling availability; and

(B) allow for controls based on military rank.

(3) **QUALIFIED PERSONNEL DEFINED.**—In this subsection, the term “qualified personnel” means a person eligible to serve as a court-martial panel member in accordance with subsections (a) through (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice).

(c) **MANUAL FOR COURTS-MARTIAL.**—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this section.

(d) **EFFECTIVE DATE.**—The President shall prescribe regulations implementing this section not later than one year after the date of the enactment of this Act.

SA 3857. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) **DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.**—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The term ‘State-owned National Guard facility’ means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.”

(b) **AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.**—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting “and at State-owned National Guard facilities” before the period.

(c) **RESPONSIBILITY FOR RESPONSE ACTIONS.**—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

“(D) Each State-owned National Guard facility being used for training at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.”

SA 3858. Mrs. GILLIBRAND submitted an amendment intended to be

proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle B of title V, add the following:

SEC. 520B. NON-DISCRIMINATION AND SERVICE IN THE ARMED FORCES.

(a) **IN GENERAL.**—Chapter 37 of title 10, United States Code, is amended by inserting after section 653 the following new section:

“§ 654. Non-discrimination and service in the armed forces

“Service in the armed forces shall be open to all persons who are able meet the standards and eligibility criteria for military service, without regard to race, color, national origin, religion, or sex (including gender identity and sexual orientation).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 653 the following new item:

“654. Non-discrimination and service in the armed forces.”

SA 3859. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X of division A, add the following:

SECTION 1043. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) **SHORT TITLE.**—This section may be cited as the “Due Process Guarantee Act”.

(b) **LIMITATION ON DETENTION.**—

(1) **IN GENERAL.**—Section 4001(a) of title 18, United States Code, is amended—

(A) by striking “No citizen” and inserting the following:

“(1) No citizen or lawful permanent resident of the United States”; and

(B) by adding at the end the following:

“(2) Any Act of Congress that authorizes an imprisonment or detention described in paragraph (1) shall be consistent with the Constitution and expressly authorize such imprisonment or detention.”

(2) **APPLICABILITY.**—Nothing in section 4001(a)(2) of title 18, United States Code, as added by paragraph (1)(B), may be construed to limit, narrow, abolish, or revoke any detention authority conferred by statute, declaration of war, authorization to use military force, or similar authority effective prior to the date of the enactment of this Act.

(c) **RELATIONSHIP TO AN AUTHORIZATION TO USE MILITARY FORCE, DECLARATION OF WAR, OR SIMILAR AUTHORITY.**—Section 4001 of title 18, United States Code, as amended by subsection (b), is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b)(1) No United States citizen or lawful permanent resident who is apprehended in

the United States may be imprisoned or otherwise detained without charge or trial unless such imprisonment or detention is expressly authorized by an Act of Congress.

“(2) A general authorization to use military force, a declaration of war, or any similar authority, on its own, may not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

“(3) Paragraph (2) shall apply to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the Due Process Guarantee Act.

“(4) This section may not be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

SA 3860. Mr. TESTER proposed an amendment to the bill S. 796, to codify maternity care coordination programs at the Department of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Moms Who Served Act of 2021”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **MATERNAL MORTALITY.**—The term “maternal mortality” means a death occurring during pregnancy or within a one-year period after pregnancy that is caused by pregnancy-related or childbirth complications, including suicide, overdose, or other death resulting from a mental health or substance use disorder attributed to or aggravated by pregnancy-related or childbirth complications.

(2) **POSTPARTUM.**—The term “postpartum”, with respect to an individual, means the one-year period beginning on the last day of the pregnancy of the individual.

(3) **PREGNANCY-ASSOCIATED DEATH.**—The term “pregnancy-associated death” means the death of a pregnant or postpartum individual, by any cause, that occurs during pregnancy or within one year following pregnancy, regardless of the outcome, duration, or site of the pregnancy.

(4) **PREGNANCY-RELATED DEATH.**—The term “pregnancy-related death” means the death of a pregnant or postpartum individual that occurs during pregnancy or within one year following pregnancy from a pregnancy complication, a chain of events initiated by pregnancy, or the aggravation of an unrelated condition by the physiologic effects of pregnancy.

(5) **RACIAL AND ETHNIC MINORITY GROUP.**—The term “racial and ethnic minority group” has the meaning given that term in section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6(g)(1)).

(6) **SEVERE MATERNAL MORBIDITY.**—The term “severe maternal morbidity” means a health condition, including a mental health condition or substance use disorder, attributed to or aggravated by pregnancy or childbirth that results in significant short-term or long-term consequences to the health of the individual who was pregnant.

SEC. 3. SUPPORT BY DEPARTMENT OF VETERANS AFFAIRS OF MATERNITY CARE COORDINATION.

(a) **PROGRAM ON MATERNITY CARE COORDINATION.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall carry out the maternity care coordination program described in Veterans Health Administration Directive 1330.03.

(2) **TRAINING AND SUPPORT.**—In carrying out the program under paragraph (1), the Secretary shall provide to community maternity care providers training and support with respect to the unique needs of pregnant and postpartum veterans, particularly regarding mental and behavioral health conditions relating to the service of those veterans in the Armed Forces.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary \$15,000,000 for fiscal year 2022 for the program under subsection (a)(1).

(2) **SUPPLEMENT NOT SUPPLANT.**—Amounts authorized under paragraph (1) are authorized in addition to any other amounts authorized for maternity health care and coordination for the Department of Veterans Affairs.

(c) **DEFINITIONS.**—In this section:

(1) **COMMUNITY MATERNITY CARE PROVIDERS.**—The term “community maternity care providers” means maternity care providers located at non-Department facilities who provide maternity care to veterans under section 1703 of title 38, United States Code, or any other law administered by the Secretary of Veterans Affairs.

(2) **NON-DEPARTMENT FACILITIES.**—The term “non-Department facilities” has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 4. REPORT ON MATERNAL MORTALITY AND SEVERE MATERNAL MORBIDITY AMONG PREGNANT AND POSTPARTUM VETERANS.

(a) **GAO REPORT.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans Affairs of the Senate and the Committee on Veterans Affairs of the House of Representatives, and make publicly available, a report on maternal mortality and severe maternal morbidity among pregnant and postpartum veterans, with a particular focus on racial and ethnic disparities in maternal health outcomes for veterans.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) To the extent practicable—

(A) the number of pregnant and postpartum veterans who have experienced a pregnancy-related death or pregnancy-associated death in the most recent 10 years of available data;

(B) the rate of pregnancy-related deaths per 100,000 live births for pregnant and postpartum veterans;

(C) the number of cases of severe maternal morbidity among pregnant and postpartum veterans in the most recent year of available data;

(D) an assessment of the racial and ethnic disparities in maternal mortality and severe maternal morbidity rates among pregnant and postpartum veterans;

(E) identification of the causes of maternal mortality and severe maternal morbidity that are unique to veterans, including post-traumatic stress disorder, military sexual trauma, and infertility or miscarriages that may be caused by service in the Armed Forces;

(F) identification of the causes of maternal mortality and severe maternal morbidity that are unique to veterans from racial and ethnic minority groups and such other at-risk populations as the Comptroller General considers appropriate;

(G) identification of any correlations between the former rank of veterans and their maternal health outcomes;

(H) the number of veterans who have been diagnosed with infertility by a health care provider of the Veterans Health Administration each year in the most recent five years,

disaggregated by age, race, ethnicity, sex, marital status, and geographical location;

(I) the number of veterans who have received a clinical diagnosis of unexplained infertility by a health care provider of the Veterans Health Administration each year in the most recent five years; and

(J) an assessment of the extent to which the rate of incidence of clinically diagnosed infertility among veterans compare or differ to the rate of incidence of clinically diagnosed infertility among the civilian population.

(2) An assessment of the barriers to determining the information required under paragraph (1) and recommendations for improvements in tracking maternal health outcomes among pregnant and postpartum veterans who—

(A) have health care coverage through the Department;

(B) are enrolled in the TRICARE program (as defined in section 1072 of title 10, United States Code);

(C) have employer-based or private insurance;

(D) are enrolled in the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(E) are eligible to receive health care furnished by—

(i) the Indian Health Service;

(ii) Tribal health programs; or

(iii) urban Indian organizations; or

(F) are uninsured.

(3) Recommendations for legislative and administrative actions to increase access to mental and behavioral health care for pregnant and postpartum veterans who screen positively for maternal mental or behavioral health conditions.

(4) Recommendations to address homelessness, food insecurity, poverty, and related issues among pregnant and postpartum veterans.

(5) Recommendations on how to effectively educate maternity care providers on best practices for providing maternity care services to veterans that addresses the unique maternal health care needs of veteran populations.

(6) Recommendations to reduce maternal mortality and severe maternal morbidity among pregnant and postpartum veterans and to address racial and ethnic disparities in maternal health outcomes for each of the groups described in subparagraphs (A) through (F) of paragraph (2).

(7) Recommendations to improve coordination of care between the Department and non-Department facilities for pregnant and postpartum veterans, including recommendations to improve—

(A) health record interoperability; and

(B) training for the directors of the Veterans Integrated Service Networks, directors of medical facilities of the Department, chiefs of staff of such facilities, maternity care coordinators, and staff of relevant non-Department facilities.

(8) An assessment of the authority of the Secretary of Veterans Affairs to access maternal health data collected by the Department of Health and Human Services and, if applicable, recommendations to increase such authority.

(9) To the extent applicable, an assessment of potential causes of or explanations for lower maternal mortality rates among veterans who have health care coverage through the Department of Veterans Affairs compared to maternal mortality rates in the general population of the United States.

(10) Any other information the Comptroller General determines appropriate with respect to the reduction of maternal mortality and severe maternal morbidity among pregnant

and postpartum veterans and to address racial and ethnic disparities in maternal health outcomes for veterans.

(c) DEFINITIONS.—In this section, the terms “Tribal health program” and “urban Indian organization” have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

AUTHORITY FOR COMMITTEES TO MEET

Mr. LUJÁN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, October 7, 2021, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, October 7, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, October 7, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, October 7, 2021, at 9 a.m., to conduct an executive business meeting.

SUBCOMMITTEE ON COMMUNICATIONS, MEDIA, AND BROADBAND

The Subcommittee on Communications, Media, and Broadband of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, October 7, 2021, at 10 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that Michael

Jones, a fellow in my office, be granted floor privileges for the remainder of the year so he can participate in the National Defense Authorization Act consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAINE. Mr. President, I ask unanimous consent that my legislative fellows Stephanie Gibbs, Tara Maher, and Tom Rakus be accorded floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, OCTOBER 8, 2021, THROUGH MONDAY, OCTOBER 18, 2021

Mr. LUJÁN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then reconvene for pro forma sessions only, with no business being conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, October 8, 11:30 a.m.; Tuesday, October 12, 12 noon; and Thursday, October 14, at 5 p.m. I ask unanimous consent that when the Senate adjourns on Thursday, October 14, it next convene at 3 p.m. on Monday, October 18; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon conclusion of morning business, the Senate proceed to executive session to resume consideration of the O'Hearn nomination, with all provisions under the previous order in effect. Finally, that if the Gelpi nomination is confirmed, that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL FRIDAY, OCTOBER 8, 2021, AT 11:30 A.M.

Mr. LUJÁN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:23 p.m., adjourned until Friday, October 8, 2021, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ELIZABETH DE LEON BHARGAVA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOHN BOBBITT.

CORPORATION FOR PUBLIC BROADCASTING

KATHY K. IM, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2024, VICE LORETTA CHERYL SUTLIFF, TERM EXPIRED.

THOMAS E. ROTHMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2026, VICE JUDITH M. DAVENPORT, TERM EXPIRED.

ELIZABETH M. SEMBLER, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2026. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

ELAINE TREVINO, OF CALIFORNIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE GREGORY DOUD.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM S. LYNN

DISCHARGED NOMINATION

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

CATHERINE ELIZABETH LHAMON, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 7, 2021:

DEPARTMENT OF AGRICULTURE

KOCHITL TORRES SMALL, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

CONSUMER PRODUCT SAFETY COMMISSION

ALEXANDER HOEHN-SARIC, OF MARYLAND, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION.

ALEXANDER HOEHN-SARIC, OF MARYLAND, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2020.